

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

REQUEST FOR MODIFYING THE CONDITIONS OR TERM OF
SUPERVISION WITH THE CONSENT OF THE OFFENDER

(Probation Form - Waiver of Hearing is Attached)

Offender Name: Edwin Luis Jimenez

Case No.: 5:10CR00367-010

Name of the Judicial Officer: The Honorable Nitzia I. Quiñones Alejandro

Name of Sentencing Judicial Officer: The Honorable Legrome D. Davis -Retired

Date of Original Sentence: April 17, 2012

Original Offense: Possession with intent to distribute 50 grams or more of Cocaine base (“Crack”) and Heroin (Count One); Distribution of 5 grams or more of Cocaine base (“Crack”) (Count Ten); and Maintaining a drug involved premises (Count Fifteen).

Original Sentence: The defendant was sentenced to the custody of the United States Bureau of Prisons for a term of 100 months. The defendant is to receive credit for Time Served. Upon release from imprisonment, he shall be on supervised release for a term of 10 years on Count 1; 6 years supervised release on Count 10; and 3 years supervised release on Count 15. All terms of supervised release are to be served concurrent to each other for a total term of 10 years supervised release. A special assessment of \$300.00 was imposed.

Special Conditions: 1) The defendant is to receive drug treatment deemed appropriate by the U.S. Probation Department. He is to receive at least 3 drug tests and more as deemed appropriate by the U.S. Probation Department; 2) The defendant is to provide the U.S. Probation Department with yearly tax returns and monthly financial statements; 2) The defendant is not permitted to open any lines of credit or credit cards without the advance permission of the U.S. Probation Department; and 4) The defendant was ordered to pay a fine in the amount of \$2,500.00. The defendant shall make payments from wages he may earn in prison in accordance with the Bureau of Prisons’ Inmate Financial Responsibility Program. Any portion of the fine or assessment that is not paid in full, at the time of release from imprisonment, shall become a condition of supervised release, with payments

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made at the rate of not less than \$25.00 per month to begin 30 days after release from custody.

Judicial Reassignment: On September 28, 2017, this case was reassigned to The Honorable Nitza I. Quiñones Alejandro.

Modification of Conditions: On May 22, 2018, Your Honor signed a memorandum to defer the condition ordering the defendant to participate in a substance abuse treatment program unless there is evidence of a relapse.

Type of Supervision: Supervised Release Date Supervision Commenced: April 20, 2018

U.S. Attorney's Response: No Objections Objections No Response

PETITIONING THE COURT

According to the affidavit of probable cause, from Pennsylvania State Police, on May 5, 2019, the officer initiated a traffic stop after the vehicle operated by the defendant swerved several times over the center line. During the traffic stop the affiant smelled the odor of alcohol coming from the defendant and conducted Standardized Field Sobriety tests, which he did not complete as instructed. Mr. Jimenez then submitted to a breathalyzer test which produced a BAC of .128%. He was charged with driving under the influence of alcohol or controlled substance (M), driving on roadways laned for traffic (S), turning movements and required signals (S), and careless driving (S). On January 7, 2020, the defendant was

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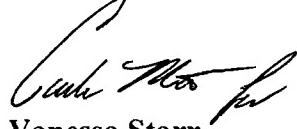
sentenced to 48 hours to no more 6 months custody in Berks County Prison, on Count 2, Driving Under the influence (M).

To modify the conditions of supervision as follows:

- Mr. Jimenez will submit to home detention for a period of 60 days, as soon as practicable, and comply with the Location Monitoring Program requirements as directed by the U.S. Probation Office. Mr. Jimenez will be restricted to his residence at all times except for employment, education, religious services, medical, substance abuse and mental health treatment, court ordered obligations, and any other such times specifically authorized by the U.S. Probation Office. The location monitoring technology is at the discretion of the U.S. Probation Office. Mr. Jimenez must pay the cost of the monitoring.

Respectfully submitted,

Matthew R. MacAvoy
Chief U.S. Probation Officer


Vanessa Starr
U.S. Probation Officer

Approved:


Carlos Montgomery
Supervising U.S. Probation Officer
Date: February 7, 2020

VLS/am
Attachment

ORDER OF THE COURT

Considered and ordered this 11 day
of FEB, 2020 and
ordered filed and made part of the
records in the above case.


U.S. District Court Judge

UNITED STATES PROBATION OFFICE
EASTERN DISTRICT OF PENNSYLVANIA

NOTICE OF REQUEST FOR MODIFICATION OF SUPERVISION CONDITIONS

TO: Edwin Luis Jimenez _____ CASE NO.: 5:10CR00367-001
(Name)

This is to notify you that the U.S. Probation Office intends to make a formal request to the Court that the conditions of supervision be modified as follows:

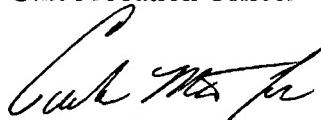
Mr. Jimenez will submit to home detention for a period of 60 days, as soon as practicable, and comply with the Location Monitoring Program requirements as directed by the U.S. Probation Office. You will be restricted to your residence at all times except for employment, education, religious services, medical, substance abuse and mental health treatment, court ordered obligations, and any other such times specifically authorized by the U.S. Probation Office. The location monitoring technology is at the discretion of the U.S. Probation Office. You must pay the cost for location monitoring.

The reason for this modification and addendum to the conditions of supervision is:

The modification will serve as a sanction for your arrest by the Pennsylvania State Police on May 5, 2019 for driving under the influence (M). On January 7, 2020, in Berks County Court of Common Pleas, you were sentenced to 48 hours to 6 months custody.

You are advised that you have the right to a hearing before the Court on the modification of the conditions of supervision, and that you have the right to be represented by counsel at such hearing. You also have the right to waive (give up) such a hearing. You are hereby asked to acknowledge receipt of the "Notice" by signing the applicable portion on the reverse side of this form and returning the form to your Probation Officer. If you desire a hearing, you should sign the ACKNOWLEDGMENT AND REQUEST FOR HEARING portion of the form. If you wish to waive (give up) a hearing, you should sign the ACKNOWLEDGMENT AND WAIVER portion of the form. If you request a hearing, you will be notified by this office of the time and place thereof in due course.

Matthew R. MacAvoy, Chief
U.S. Probation Officer


Vanessa Starr
U.S. Probation Officer

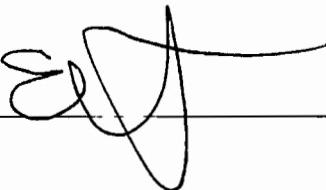
ACKNOWLEDGMENT AND REQUEST FOR HEARING

I, Edwin Luis Jimenez , hereby acknowledge receipt of the Notice of Request for Modification of the Conditions of Supervision, and request a hearing thereon with my reasons stated below:

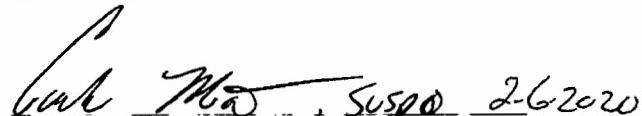
Signed: _____
(Date)

ACKNOWLEDGMENT AND WAIVER OF HEARING

I, Edwin Luis Jimenez, hereby acknowledge receipt of the Notice of Request for Modification of the Conditions of Supervision. I have read the Notice and understand that I have the right to a hearing before the Court on that request and to the assistance of counsel at the hearing. However, I hereby waive (give up) my right to a hearing and agree to the proposed modifications of conditions of supervision. I also certify that no promises have been made to me in order to induce me to give up my right to a hearing.

Signed: x  2/6/2020
(Date)

WITNESS:


Name

Address